

Session 10-07 a Regular Meeting of the Homer City Council was called to order on February 8, 2010 at 6:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: **COUNCILMEMBERS:** HOGAN, HOWARD, LEWIS, ROBERTS,
WYTHE

ABSENT: ZAK (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY PLANNER ABOUD
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Councilmember Zak has requested excusal.

Mayor Hornaday ruled Councilmember Zak's absence was excused and there was no objection from the Council.

Department Heads may be called upon from time to time to participate via teleconference.

Council met for a Special Meeting from 4:07 p.m. to 5:00 p.m. to discuss in Executive Session City Manager Wrede's Annual Performance Evaluation/Employment Contract. Council met as a Committee of the Whole from 5:05 p.m. to 5:46 p.m. to discuss Memorandum 10-32 from EDC, Re: Lease Policy Amendments; **Resolution 10-20**, A Resolution of the City Council of Homer, Alaska, Rejecting All Proposals for Permanent Fund Investment Services, Modifying the Scope of Work, and a New Solicitation of Proposals for Permanent Fund Investment Services. Howard/Wythe/Permanent Fund Committee; **Resolution 10-21**, A Resolution of the City Council of Homer, Alaska, Requesting that the Alaska Legislature Enact a Language Amendment through the FY 2011 Capital Budget by Amending the Title of Legislative Grant Agreement 07-DC-497 from "Homer City Hall" to "Homer City Hall Renovations and Additions", Amending the Project Description Accordingly, and Extending the Project Grant Completion Date to June 30, 2013. Mayor/City Council; **Resolution 10-23**, A Resolution of the Homer City Council Modifying the Homer Comprehensive Plan by Changing the Land Use Recommendation Map to Include Conservation Lands, Parks and Recreation Land, and Wetlands, and Keeping All Currently Zoned Rural Residential Land the Same on the New Land Use Recommendation Map and Postponing Adoption of Ordinance 09-40(S) Until the Public is Able to Testify on These Changes at the February 22, 2010 Homer City Council Meeting. Roberts/Zak; and Regular Meeting Agenda items.

AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

The agenda was approved by consensus of the City Council with the following changes: **CONSENT AGENDA** - Memorandum 10-25, Non objection from KPB for Fresh Sourdough Express; **PUBLIC HEARINGS** - **Ordinance 09-40(S)**, Written public comments and **Ordinance 10-06**, Written public comments.

Memorandum 10-26 was moved from the Consent Agenda to New Business Item A.

The agenda as amended was approved by consent of the Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Roberta Highland, city resident, commented on Resolution 10-21 and the need to have a Plan B if something is wrong with renovations to the current City Hall. Plan B would be the West Campus as City Hall.

Mitchell Hrachiar, Homer resident and city employee, commented on Memorandum 10-26, appointment of Kevin Hogan to the Health Benefits Task Force. Mr. Hogan has expressed bias towards city employees. If Mr. Hogan is approved, employees should have a representative other than management. Mr. Hrachiar referenced Anchorage wages and benefits that exceed the City's employees. He asked Council to consider fair representation for the employees.

Frank Griswold, city resident, commented on Resolution 10-23. Mr. Griswold stated Ordinance 09-40(S) is flawed and cannot be fixed. Resolution 10-23 includes major amendments to the Comprehensive Plan which require input and public hearings at the Planning Commission level. There are a lot more modifications that need to be done, including notification of affected property owners of the proposed rezoning for the Central Business District (CBD).

RECONSIDERATION

None.

CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Special and Regular Meeting minutes of January 25, 2010. City Clerk. Recommend adoption.
- B. **Memorandum 10-25**, from Deputy City Clerk, Re: Liquor License Renewal for Happy Face, Save U More, Cosmic Kitchen, and Fresh Sourdough Express.
- C. **Memorandum 10-26**, from Mayor, Re: Appointment of Roberta Highland to the Planning Commission, Reappointments of John Velsko and Steve Zimmerman to the

Port and Harbor Advisory Commission, and Appointment of Kevin Hogan to the Health Benefits Task Force.

(Item C moved to New Business Item A.)

Mayor Hornaday called for a motion for the adoption and/or approval of the recommendations of the consent agenda as read.

LEWIS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

A. **Sharon Whytal**, Project Coordinator, Kenai Peninsula Communities Project

Sharon Whytal gave a presentation on the Kenai Peninsula Communities Project that outlines the community's strengths and themes assessment report.

B. **Phil Morris**, Mayor of Kachemak City, Fire and EMS Service on East End Road

Phil Morris advised Council of the two mile area at the Kachemak City border to MP 7 where residents are not considered within the five mile radius of fire protection. Many insurance companies have a five mile provision in regard to rates. He asked for consideration of those residents when the City and Kachemak Emergency Service Area renegotiate a new contract.

C. **Roberta Highland**, Comp Plan Working Group

Roberta Highland representing the Comp Plan Working Group asked for postponement on Ordinance 09-40(S) and support of the idea in Resolution 10-23. She proposed a map with landmarks and returning all areas zoned rural residential back to rural residential.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

3. Economic Development Advisory Commission

Memorandum 10-32 from EDC, Re: Lease Policy Amendments (for informational purposes only)

Dean Ravin, Economic Development Advisory Commissioner, encouraged Council to support Resolutions 10-19 and 10-22.

4. Parks and Recreation Advisory Commission

5. Port and Harbor Advisory Commission

C. **Mayor's Proclamation** – Brother Asaiah Bates Day – February 14, 2010

D. **Mayor's Proclamation** - Gary Thomas - 30 Years of Active Service with the Homer Volunteer Fire Department

Mayor Hornaday called for a recess at 6:30 p.m. and reconvened the meeting at 6:44 p.m.

PUBLIC HEARING(S)

A. **Ordinance 09-40(S)**, An Ordinance of the Homer City Council Adopting the 2008 Homer Comprehensive Plan and Recommending Adoption by the Kenai Peninsula Borough. City Manager. Introduction September 14, 2009, Public Hearings October 12 & 26, November 23, 2009, January 25, 2010, and February 8, 2010. Worksessions November 9 & 23, 2009. Second Reading February 8, 2010.

Memorandum 10-11 from City Planner and Planning Technician as backup.

Mayor Hornaday opened the public hearing.

Frank Griswold, city resident, disagrees we are in the middle of the planning process since first the Kenai Peninsula Borough Assembly needs to review the existing plan and see if it requires revision. If so, the KPB determines a revision is necessary and the KPB Planning Commission must be tasked with preparing the Comprehensive Plan. The City does not have authority to prepare or revise its own plan. A letter dated February 4, 2010 from Mr. Griswold references his concerns. Surveys are needed and Kachemak City residents should not dictate what goes in the plan. If consultants are needed, the KPB should hire them. Agnew:Beck has a conflict.

Robert Archibald, city resident, offered due respect to those working on the Comp Plan for three years. Agnew:Beck tried its best to rewrite the existing document. The public needs to educate themselves and learn about the plan. The City should reach out and bring the citizens up to speed on the changes that will affect how people live and use properties. He requested postponement.

Bill Smith, Kachemak City resident, commented when he was on the Planning Commission and on the Comprehensive Plan Citizens Advisory Committee meetings were advertised and a lot more people showed up for scoping sessions. Their concerns were written down.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 09-40(S) by reading of title only for second and final reading.

HOWARD/ROBERTS - SO MOVED.

HOWARD/ROBERTS - MOVED TO AMEND THE ORDINANCE TO REMOVE THE NEIGHBORHOOD COMMERCIAL DESIGNATION FROM WEST HILL ROAD AND RETURN IT TO THE RESIDENTIAL RURAL AS INDICATED ON THE COMPREHENSIVE LAND USE DESIGNATION MAP CHAPTER R.

Councilmember Howard stated they have heard the citizens and the Planning Commission and it is appropriate to remove this designation.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/WYTHE - MOVED TO POSTPONE ORDINANCE 09-40(S) UNTIL THE SECOND MEETING IN MARCH (MARCH 22) FOR THE FINAL READING AND TO HAVE TWO PUBLIC HEARINGS AT THE NEXT TWO COUNCIL MEETINGS (FEBRUARY 22 AND MARCH 8).

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 10-05**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.40.060 Bridge Creek Watershed Protection District Conditional Uses and Structures to Include More Than One Building Containing a Permitted Principle Use On a Lot as a Conditional Use. City Manager/Planning. Introduction January 25, 2010, Public Hearing and Second Reading February 8, 2010.

Memorandum 10-22 from City Planner and Planning Technician as backup.

Mayor Hornaday opened the public hearing.

Frank Griswold, city resident, commented on the first and final whereas clauses. If the BCWPD constitutes a residential neighborhood, it is difficult to understand how allowing multiple

buildings on a lot would protect the integrity, attractiveness, or safety of that neighborhood. Any lot that contains one building containing a permitted principle use would be in-filled. Infilling is not a legitimate zoning goal, per footnote 9 *Griswold vs. City of Homer*, 1996: “not all of the goals articulated by the city can be considered legitimate per se, for example, any zoning change which eases restrictions on property use could be set to further the goal of filling in vacant spaces.” Restrictions were placed to protect the water supply; existing provisions have a strong public purpose. It appears to be an arbitrary sweetheart deal for some crony of the Planning Department. The 1996 decision stated “we will invalidate zoning decisions which are the result of prejudice arbitrary decision making or improper motives.”

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-05 by reading of title only for second and final reading.

ROBERTS/LEWIS – SO MOVED.

Councilmember Hogan asked what the area was zoned before formation. City Manager Wrede answered it was not zoned, as it is currently outside the city limits.

City Planner Rick Abboud stated a circle around the BCWPD overlaps rural residential neighborhood. A little bit is rural residential, but the rest is not zoned.

Councilmember Lewis asked what brought the ordinance forward. City Planner Abboud answered it was inconsistency with BCWPD of the existing zoning of rural residential. Anybody within the BCWPD would not have the option of another building on their property. It does not change the percentage of coverage; it allows an accessory dwelling.

Asked by Councilmember Roberts about the lot sizes within the district, City Planner Abboud answered many lots in the BCWPD are over two acres, especially those outside the city. It would not change the portion of lots that are allowed developable.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 10-06**, An Ordinance of the City Council of Homer, Alaska, Amending the Following Sections of the Homer City Code Regarding the Residential Office District: 21.16.030, Conditional Uses; 21.16.040, Dimensional Requirements; 21.16.060 (Renumbered 21.16.070), Site Development Standards; and Enacting the Following Sections of the Homer City Code Regarding the Residential Office District: 21.16.060, Traffic Requirements; 21.16.080, Nuisance Standards; and 21.16.090, Lighting Standards. City Manager/Planning. Introduction January 25, 2010, Public Hearing and Second Reading February 8, 2010.

Memorandum 10-23 from City Planner and Planning Technician as backup.

Mayor Hornaday opened the public hearing.

Frank Griwsold, city resident, commented on lines 70-74 that reduces setbacks from 20 ft. to 15 ft. and allows the Fire Marshal to reduce setbacks down to 5 ft. It does not protect the integrity and attractiveness of the neighborhood. Infilling setbacks is not a goal of the Comprehensive Plan and is contrary to zoning purposes per HCC 21.01.030. Reducing setbacks in the RO districts is not a stated goal in the Comprehensive Plan. The City has no powers to delegate zoning authority to the State Fire Marshal. It is a sweetheart deal for the Kachemak Bay Family Planning Clinic, the entire neighborhood which has recently been rezoned. He recommended non residential buildings shall be set back 20 ft. from lot boundaries and all other exceptions eliminated. Mr. Griswold referenced a letter provided to Council on the subject.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-06 by reading of title only for second and final reading.

LEWIS/ROBERTS – SO MOVED.

Asked by Councilmember Lewis what the thinking was for changing the setbacks, City Planner Abboud answered it was related to fire safety. Discussion at the Planning Commission was that other setbacks are at 5 ft., with the exception of the front of the building. It will allow maintaining a building setback for fire safety and the Fire Marshal would allow buildings to be closer.

Councilmember Roberts referenced a suggestion from the Planning Commission that standards for commercial buildings should be made similar. City Planner Abboud deferred the question until able to research city code.

Mayor Hornaday called for a recess at 7:07 p.m. and reconvened the meeting at 7:10 p.m.

City Planner Abboud stated the setbacks from other lot lines other than the right-of-way in several districts. There is less requirement in every other district than residential office.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 10-07**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2010 Operating Budget by Appropriating \$15,000 from the City Sustainability Fund for the Purpose of Conducting Energy Audits and Cost Estimating on Several City Buildings and Facilities. Roberts. Recommended dates: Introduction February 8, 2010, Public Hearing and Second Reading February 22, 2010.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-07 for introduction and first reading by reading of title only.

ROBERTS/WYTHER - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 10-08**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2010 Budget to Appropriate Funds in the Amount of \$15,000 for a Junk Car Program. City Manager/City Planner. Recommended dates: Introduction February 8, 2010, Public Hearing and Second Reading February 22, 2010.

Memorandum 10-33 from City Planner as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-08 for introduction and first reading by reading of title only.

LEWIS/WYTHER - SO MOVED.

Councilmembers Wythe and Howard asked if the funds could be located from the sustainability fund or somewhere else.

VOTE: YES. LEWIS, ROBERTS, WYTHER, HOWARD, HOGAN

Motion carried.

- C. **Ordinance 10-09**, An Ordinance of the City Council of Homer, Alaska, Authorizing an Additional \$5,000 Expenditure (Total Authorization \$30,000) of Homer Accelerated Roads and Trails Program (HART) Funds for the Purpose of Completing the Design of the Beluga Slough Trail. City Manager/Public Works Director. Recommended dates: Introduction February 8, 2010, Public Hearing and Second Reading February 22, 2010.

Memorandum 10-34 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-09 for introduction and first reading by reading of title only.

WYTHER/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Ordinance 10-10**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.24.030 to Add Public, Private, Trade, Skilled or Industrial Schools as a Conditional Use in the General Commercial One Zoning District. Zak. Recommended dates: Introduction February 8, 2010, Refer to Planning Commission.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-10 for introduction and first reading by reading of title only.

LEWIS/HOGAN – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Ordinance 10-11**, An Ordinance of the City Council of Homer, Alaska, Authorizing an Expenditure of \$26,000 (\$13,000 from the Sewer Reserve and \$13,000 from the Homer Accelerated Roads and Trails Program (HART)) for the Purpose of Completing the Design of Soundview Sewer Repair/Woodard Creek Crossing Improvement. City Manager/Public Works Director. Recommended dates: Introduction February 8, 2010, Public Hearing and Second Reading February 22, 2010.

Memorandum 10-36 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-11 for introduction and first reading by reading of title only.

ROBERTS/LEWIS - SO MOVED.

Asked by Councilmember Roberts why 50% funding was coming from HART, City Manager Wrede answered when work involves culverts and stream crossings it is part of the road project. The culvert sank and squashed the sewer. Council can decide if they want to put in a bridge; it would be more expensive and would help with flood control. Passage of the resolution supports the design phase.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

- A. City Manager's Report

1. Climate Action Plan: There is very encouraging news to report regarding energy consumption in City buildings. Energy consumption data for 2009 has now been compiled. This information was compared to data from previous years (the average of those years). In 9 out of 12 City buildings, electrical consumption was down by an average of 10.7%. The biggest decrease in electric consumption was the Harbormaster's Office (17.26%), followed by the College/Boys and Girls Club Building (16.31%), the Public Works Shop (15.81%), the Animal Shelter (14.93%), City Hall (12.6%), and the Library (8.37%). Electric consumption also went down at the Sewer Treatment Plant, the main Public Works Building, and the Fire Hall. Fuel oil consumption went down in 5 out of ten City buildings. The leader was the Library (14.63%) followed by the Animal Shelter (10.27%), the main Public Works Building (9.95%) and the PW Shop (6.15%). Based upon the average cost of energy in 2009, these reductions in energy consumption likely saved the taxpayers approximately \$27,300 in electricity and \$7,600 in heating fuel. Some of this decrease in consumption can be explained by weather, capital improvements or other fixes. But most of it I believe is attributable to changes in employee behavior. The employees are taking this seriously and consciously looking for ways to operate more efficiently and save money. The Money, Energy, and Sustainability Handbook has been effective and we look forward to finding ways to reduce consumption even more.
2. Library Landscaping: Good news here also. Council will recall that Public Works and the LAB have been working hard trying to find ways to complete the proposed landscaping at the library. Maintaining that landscaping after it is installed is also a recurring problem due to inherent limitations associated with relying on volunteer labor and the frugal PW parks budget. A solution is on the horizon! Brenda Adams (Gardens by Design), a well known local landscaper, has offered to design and plant the raised flower bed in the Library Plaza and maintain all of the gardens around the Library this year for less than \$4,000. The Friends of the Homer Public Library has decided that it would like to get involved and use its own money to pay for this. The LAB thinks this is a great idea and it will relieve some pressure on Public Works Parks staff. The "Friends" are willing to do this for a one year trial basis to see how it goes. A big thanks to the Friends of the Homer Public Library for their willingness to help.

TRIP REPORT

On Friday, January 29, Bryan Hawkins and I traveled to Anchorage to meet with DOT/PF and the Army Corps of Engineers about a variety of City projects and concerns. Following is a summary of what we discussed.

DOT/PF: There is a new Regional Director at DOT/PF (Lance Wilber) who has been on the job for a little more than one month. We took the opportunity to meet him and to bring him up to speed on City projects that we are currently working on with his staff. He spent over one hour with us which was greatly appreciated. There were several projects we focused on. The first was the Deep Water Dock expansion. We hope to get the feasibility study off the ground (finally) within the next few months. The Director seemed enthusiastic about it. We need to finalize an MOU transferring responsibility for the project to the City. We talked about the need to finalize the MOU regarding the Spit Trail completion project so that Public Works can get moving on that. We also talked about the Spit Comprehensive Plan, the City taking responsibility for parking on the Spit along the Sterling Highway, Main Street

upgrades, and the Main St. / Sterling Highway intersection. Please let me know if you want to talk about any of these in detail.

Corps of Engineers: We spent the early afternoon meeting with the project development staff who have been working on the East Boat Harbor Feasibility study. The benefit / cost ratio for this project is not favorable at this time. We discussed how to proceed and looked at many alternatives and approaches. We would be happy to discuss this in detail. We asked the Corps to provide us with an estimate on what it would cost to do the remaining work (mostly environmental analysis and comparison of alternatives) and what it would cost to simply take all of the work we already have and place it into a Technical Report. Technical Reports are valuable even if the full study was not completed. We also told them that we wanted them to come to Homer and make a presentation to the Council (agreed to but a date needs to be set) and that we would likely recommend to Council that the project remain open but placed on hold for now (as opposed to terminating it) to keep options open if future conditions change. We have not paid the Corps for any of the money budgeted for 2009 and neither has the State. We wanted to get a good handle on where we were before spending any more money. So, if any money is needed to complete the Technical Report, it could come from money already approved last year. No new funding would be requested. In the late afternoon we met with the project maintenance folks to talk about the 20 year dredging plan. Council may recall that we had a long term dredging plan that was developed and approved which was scheduled to go into effect this year. We encouraged the Corps to drop that plan (and they agreed) because of concerns over safety, long term costs, and the best use of land on the Spit. We came up with a new agreement to de-water and store materials at the same sites we do now for a two year period. It is now incumbent upon us to come up with a new 20 year plan within the next two years. We spent most of our time talking about potential beneficial uses of dredged materials including the creation of new uplands, and replenishing beaches.

City Manager Wrede announced the three other planning documents in process at this time:

- Spit Comprehensive Plan at the Planning Commission
- Comprehensive Economic Development Strategy at the Economic Development Advisory Commission
- Hazard Mitigation Plan at committee level

A feasibility study for the East Boat Harbor expansion has been underway for the last four years. There has been a focus on the economic analysis first, and the benefit/cost ratio is not attractive. The City Manager and Port and Harbor Director met recently with the Corps of Engineers and talked about a lot of different options. The COE was asked to come give City Council a presentation and talk to the Port and Harbor Advisory Commission. The cost of the materials is unbelievable. A price on the remaining environmental work has been requested. With the work already done, it could be packaged and turned into a technical report. Many cities have been funded with technical reports. Council may decide it is best to halt the project now, not spend any more money, and put it on ice. By keeping the project open, a new funding source is possible in the future.

A Worksession for March 8th was scheduled to hear from the COE.

- B. Bid Report
- C. Question of the Week (Final Question) – *If you could change the City’s Motto, what would it say?*

COMMITTEE REPORT

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee

PENDING BUSINESS

- A. **Memorandum 10-29**, From City Clerk Re: From City Clerk Re: Request for Executive Session Pursuant to AS 44.62.310(C), Matters, Which by Law, Municipal Charter, or Ordinances are Required to be Confidential. (Board of Adjustment – Griswold vs. Blackwell – Draft Decision)

Mayor Hornaday excused himself due to ongoing conflict/bias and passed the gavel to Mayor Pro Tempore Wythe.

Mayor Pro Tempore Wythe called for a motion for the approval of the recommendations of Memorandum 10-29 to discuss Board of Adjustment – Griswold vs. Blackwell – Draft Decision.

LEWIS/ROBERTS - SO MOVED.

Attorney Klinkner advised someone previously excused from the last Board of Adjustment would not participate in the matter, although may vote on the motion for Executive Session.

VOTE: YES. HOGAN, LEWIS, ROBERTS, WYTHE, HOWARD

Motion carried.

Councilmember Howard was excused from participation in the Executive Session due to past conflict.

Council adjourned to Executive Session at 7:27 p.m. and reconvened the meeting at 7:33 p.m.

Councilmember Roberts stated that Council met with the attorney and provided advice to finalize the Decision on Appeal.

Councilmember Howard rejoined Council at the table.

NEW BUSINESS

- A. **Memorandum 10-26**, from Mayor, Re: Appointment of Roberta Highland to the Planning Commission, Reappointments of John Velsko and Steve Zimmerman to the Port and Harbor Advisory Commission, and Appointment of Kevin Hogan to the Health Benefits Task Force.

WYTHE/HOWARD - MOVED FOR THE APPROVAL OF MEMORANDUM 10-26.

Councilmember Wythe questioned the placement of Councilmember Hogan on the Health Benefits Task Force, as the Council has not established the structural portion of the task force. For proper order there should be a resolution to establish who the participants will be and then appointments can be made.

WYTHE/ROBERTS - MOVED TO REMOVE THE APPOINTMENT UNTIL SUCH TIME THE TASK FORCE HAS BEEN DULY ESTABLISHED.

Councilmember Hogan suggested postponing and he will come forth with a resolution. He asked City Attorney Klinkner if the committee would operate as a commission.

Attorney Klinkner advised the task force is what the Council wishes it to be. Council will want to establish something with a limited duration with a particular mission to produce a product within a defined period of time. There is no formal legal implication to labeling it a committee or commission. It is defined by the terms Council applies to it in bringing it into existence.

Councilmember Wythe recommended that Councilmember Hogan while developing the scope, add the nature and function of individuals, and any specific qualifications to be considered for applicants. He should take into consideration the employee's request for a seat on the committee. He should flush out the scope and intent so it is clearly defined. There was far more in establishing the task force than looking at the City's policies.

Mayor Hornaday asked City Attorney Klinkner if there was anything in personnel regulations involved with this kind of task force.

City Attorney Klinkner answered he was not aware of any, but would have to review the regulations thoroughly. Personnel regulations typically may provide for surveys of wage structures and benefit levels. A task force is a unique thing Council is putting into operation themselves.

Councilmember Wythe asked to consider having the task force provide their own recording and secretary, as most of the overtime wages have been eliminated.

Mayor Hornaday asked City Attorney Klinkner whether a councilmember that has expressed his opinions on certain things should be on the task force.

City Attorney Klinkner advised it was up to Council to make the appointment decision.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Howard voiced her concern of the Planning Commission candidate to a citizen who is heavily involved in the remapping and rewriting of the Comp Plan.

Councilmember Wythe called for a point of order to provide a motion to amend the memorandum first.

HOWARD//WYTHE - MOVED TO CALL FOR THE APPOINTMENT OF THE COMMISSIONERS AS INDIVIDUALS RATHER THAN AS A GROUP.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Howard stated when the Council has adopted the Comprehensive Plan it may be more appropriate to revisit the Planning Commission appointment.

HOWARD – MOVED TO NOT APPOINT THE PLANNING COMMISSION CANDIDATE AT THIS TIME FOR THE REASONS STATED.

Motion died for lack of a second.

WYTHE/HOWARD - MOVED FOR THE REAPPOINTMENT OF JOHN VELSKO AND STEVE ZIMMERMAN TO THE PORT AND HARBOR ADVISORY COMMISSION.

Motion was moot due to passage of the prior motion to make individual appointments.

WYTHE/ROBERTS – MOVED TO REAPPOINT JOHN VELSKO TO THE PORT AND HARBOR ADVISORY COMMISSION.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/LEWIS – MOVED TO REAPPOINT STEVE ZIMMERMAN TO THE PORT AND HARBOR ADVISORY COMMISSION.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/HOGAN - MOVED TO APPOINT ROBERTA HIGHLAND TO THE PLANNING COMMISSION.

Councilmember Wythe understands Ms. Highland is active in reconsideration of the Comp Plan. The Comp Plan is before the Council now and unless it is sent back to the Planning Commission there is no activity that would form a bias.

Councilmember Hogan commented he doesn't see a citizen being active as a disqualifying trait.

Councilmember Howard stated she will be voting yes, in the spirit of citizen participation.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

- A. **Resolution 10-17**, A Resolution of the City Council of Homer, Alaska, Approving the Budget for the Sanitary Sewer Rehabilitation Project and Authorizing the City Manager to Execute the Appropriate Documents to Complete Construction. City Manager/Public Works Director.

Memorandum 10-27 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 10-17 by reading of title only.

LEWIS/WYTHE - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 10-18**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for a New 4x4 Truck for the Port Maintenance Division to Cal Worthington Ford of Anchorage, Alaska, in the Amount of \$27,374.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 10-28 from Public Works Superintendent as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 10-18 by reading of title only.

HOWARD/ROBERTS - SO MOVED.

Councilmember Lewis asked about the difference in prices and whether either dealer had a better track record with maintenance. Councilmember Wythe commented the vehicle could be taken to either place for service.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. **Resolution 10-19**, A Resolution of the City Council of Homer, Alaska, Authorizing the City of Homer to Join The Alaska Film Group as a Sponsor Member. Wythe/Economic Development Advisory Commission.

Mayor Hornaday called for a motion for the adoption of Resolution 10-19 by reading of title only.

WYTHE/HOGAN - SO MOVED.

Mayor Hornaday commented in Iowa they have a huge scandal for filming and the Governor may lose. He would vote for Beth to become a movie star.

Councilmember Wythe reported the membership benefits came up at the EDC meeting. There are two different movies that will have footage in Homer this summer.

Councilmember Hogan added when they shut down the streets to film the movie we will have the special events permit in place.

Mayor Hornaday reflected on the Super Bowl with former Mayor John Calhoun at MacDonaldis getting snowballs thrown at him.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Resolution 10-20**, A Resolution of the City Council of Homer, Alaska, Rejecting All Proposals for Permanent Fund Investment Services, Modifying the Scope of Work, and a New Solicitation of Proposals for Permanent Fund Investment Services. Howard/Wythe/Permanent Fund Committee.

Memorandum 10-35 from the Permanent Fund Committee as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 10-20 by reading of title only.

WYTHE/HOWARD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Resolution 10-21**, A Resolution of the City Council of Homer, Alaska, Requesting that the Alaska Legislature Enact a Language Amendment through the FY 2011 Capital Budget by Amending the Title of Legislative Grant Agreement 07-DC-497 from “Homer City Hall” to “Homer City Hall Renovations and Additions”, Amending the Project Description Accordingly, and Extending the Project Grant Completion Date to June 30, 2013. Mayor/City Council.

Memorandum 10-31, from City Manager as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 10-21 by reading of title only.

WYTHE/ROBERTS - SO MOVED.

WYTHE/ROBERTS - MOVED TO REMOVE THE BE IT THEREFORE RESOLVED WHICH CONTAINS THE ALTERNATIVES IN FUNDING.

Councilmember Wythe indicated one clear purpose for funding would be in the best interest for the Legislature.

WYTHE/ROBERTS - MOVED TO AMEND TO CLARIFY MY MOTION TO THE REMOVAL OF BE IT FURTHER RESOLVED AND EVERYTHING THERE FOLLOWING.

Councilmember Hogan expressed opposition to removing the options of doing something else. He would like to see the possibility of renovating the old intermediate school as the citizen’s committee has proposed.

Councilmember Roberts approves the amendment based on the Mayor’s comments at the Committee of the Whole that one project needs to be listed. The number one priority was the City Hall renovation project. It does not close the door to a group of people looking at the old intermediate school and considering what it would cost to renovate it. We do not have enough money to do both of the projects. In the future we may wish to consider what the committee reports.

Councilmember Lewis asked if the current City Hall could support another story. City Manager Wrede recalls there were plans designed for the current building that included a second story over the Council Chambers.

Councilmember Wythe noted at the initial review of renovations to the current building there were issues with the lack of parking. At that time additional office space within the building would have been unacceptable as there was inadequate parking. Since that time the parking regulations have been changed to share parking with other surrounding facilities within 1,500 feet. It provides a wide area for additional parking at the current location.

VOTE: (amendment) YES. HOWARD, ROBERTS, WYTHE

VOTE: NO. HOGAN, LEWIS

Motion failed.

HOGAN – MOVED TO AMEND THE SECTION WE WERE JUST TALKING ABOUT TO STRIKE THE WORD “PRIORITY 1”, ELIMINATE THE NUMBERS, AND JUST PUT BULLET POINTS.

Motion died for lack of a second.

WYTHE/ROBERTS - MOVED TO REVISE THE BE IT FURTHER RESOLVED BY STRIKING THE TOWN CENTER INFRASTRUCTURE AND RENUMBERING THE OLD INTERMEDIATE SCHOOL RENOVATION FOR THE PURPOSES OF THE CITY HALL, BEING VERY CLEAR THAT WOULD BE THE PURPOSE OF RENOVATING THE SCHOOL AND MAKING THAT NUMBER TWO.

Mayor Hornaday stated it was very contrary to what the Legislators told us.

LEWIS /HOGAN - MOVED TO POSTPONE THIS UNTIL THE NEXT MEETING TO SEE IF ANYONE IS GOING TO COME BACK WITH ANYTHING ON THE OLD INTERMEDIATE SCHOOL AND THEN IF NOT, HAVE IT PUT THROUGH TO WHERE IT IS JUST HOMER CITY HALL RENOVATION AND ADDITIONS.

Councilmember Roberts called for a point of order. There is currently a motion on the floor.

VOTE: YES. HOWARD, HOGAN, ROBERTS, WYTHE

VOTE: NO. LEWIS

Motion carried.

LEWIS/HOGAN - MOVED TO POSTPONE THIS UNTIL OUR NEXT MEETING TO SEE IF ANYONE DOES COME BACK WITH A PROPOSAL OR ANYTHING ON THE OLD INTERMEDIATE SCHOOL.

Councilmember Roberts expressed opposition to postpone, stating it was important to move ahead and send this information to our Legislators. Council has discussed the building many times and in the absence of clear reports or anyone coming forward she had not see anything substantial.

Councilmember Lewis clarified his intent to postpone was to see if there was information on the old intermediate school for the next meeting. If there is no information we would only have one project for the Legislature.

Councilmember Wythe opposes postponement. People have looked at the old intermediate school. The people that last looked at it were the same that received the bid for the new Town Center/New City Hall. It did not place them in bias, because the two activities were substantially different. Their review that preceded that was no less dire than review after; the only difference was that it was \$2M to \$3M difference in price because it was two or three years later. The end result was that both reviews far exceeded the cost and value of the building for a renovation due to other mitigating factors.

VOTE: (postponement) YES. HOGAN
VOTE: NO. WYTHE, HOWARD, LEWIS, ROBERTS

Motion failed.

ROBERTS/WYTHE - MOVED TO ELIMINATE THE OLD INTERMEDIATE SCHOOL RENOVATION FOR PURPOSES OF CITY HALL UNDER THE BE IT FURTHER RESOLVED.

City Clerk Johnson asked for a recess to determine the validity of the motion.

Mayor Hornaday called for a recess at 8:05 p.m. and reconvened the meeting at 8:07 p.m.

Councilmembers Wythe and Roberts asked that Council consider the past history and create a work space that is habitable for employees. The old intermediate school is smaller than the current City Hall. It would be wise to eliminate the old intermediate school, but consider what a group might tell us in the future to do with the other building..

Councilmember Hogan stated the old intermediate school is smaller if you are not counting the multi-purpose gymnasium. There is a significant portion of the community that still has interest in utilizing the facility for City Hall purposes. Passing the resolution as currently amended leaves the door open and does not kill any chances. He has recently read the report and believes there is speculative cost. It is not a very thorough report and to make the decision based on the report is a mistake.

Councilmember Roberts referenced the extensive 25 page report.

Councilmember Hogan noted that was a lot of speculation on costs of asbestos without any determination of its existence. Revisions are based on the structure no longer having a hot roof to

remove snow loads. It is based on the assumption the hot roof will be made into a cold roof. It is not a very thorough report.

Councilmember Wythe noted the absence of a hot roof is an insulation issue to make it more environmentally correct for heating. Two separate reports came back with the same answer. For her it eliminates a lot of consideration of speculation.

Mayor Hornaday noted if the group comes back with a comprehensive report to persuade the Council, the resolution may be changed.

VOTE: (amendment) YES. ROBERTS, WYTHER, HOWARD, LEWIS

VOTE: NO. HOGAN

Motion carried.

VOTE: (main motion as amended) YES. LEWIS, ROBERTS, WYTHER, HOWARD

VOTE: NO. HOGAN

Motion carried.

F. **Resolution 10-22**, A Resolution of the Homer City Council Encouraging the Selection of Homer as the Site of an Alaskan Maritime Academy. Hogan.

Mayor Hornaday called for a motion for the adoption of Resolution 10-22 by reading of title only.

HOGAN/LEWIS - SO MOVED.

ROBERTS/HOGAN - MOVED TO AMEND THE SIXTH WHEREAS TO REMOVE "LARGE" FROM INVENTORY OF LAND.

There was no discussion.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Wythe expressed appreciation of the maritime academy with the Southwest Pilots Association here. Students could earn deck time required for their licenses.

Councilmember Hogan commented the maritime is a long time coming and will produce a large string of revenue.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- G. **Resolution 10-23**, A Resolution of the Homer City Council Modifying the Homer Comprehensive Plan by Changing the Land Use Recommendation Map to Include Conservation Lands, Parks and Recreation Land, and Wetlands, and Keeping All Currently Zoned Rural Residential Land the Same on the New Land Use Recommendation Map and Postponing Adoption of Ordinance 09-40(S) Until the Public is Able to Testify on These Changes at the February 22, 2010 Homer City Council Meeting. Roberts/Zak.

ROBERTS/WYTHE - MOVED TO WITHDRAW RESOLUTION 10-23.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Roberta Highland, city resident, bid a fond adu to Diana Tillion who passed away Wednesday. She thanked Council for appointing her to the Planning Commission.

Kathy Hill, city resident, thanked Council for restoring the rural residential to the West Hill area.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner reported on a new case filing. In 2008 the Planning Commission approved a CUP for Kachemak Shellfish Growers Association (KSMA) for a building on the Homer Spit. This became the first test of amendment to Homer City Code regarding standing to appeal zoning matters. Frank Griswold submitted an appeal that the Clerk rejected because it failed to demonstrate the required standing. He appealed the decision to the Superior Court that affirmed the Clerk's decision. He now has appealed to the Supreme Court. Briefing is underway and is expected to close by the end of April.

COMMENTS OF THE CITY CLERK

City Clerk Johnson commented the new sound system is working great and thanked Steiner's Construction and Duane Christiansen for all their hard work on the room.

COMMENTS OF THE CITY MANAGER

City Manager Wrede commented on Resolution 10-22. The resolution will be sent to the Governor and he will let Legislators know about it. He will work with Councilmember Hogan for a sponsor statement. There were many comments tonight about why Homer is a great site for a maritime facility, including from the Southwest Pilots Association. We will compile all those excellent reasons why Homer is the right place for the maritime academy.

COMMENTS OF THE MAYOR

Mayor Hornaday bid a sad farewell to Diana Tillion. She was a wonderful lady. He enjoyed the beautiful sunrise this morning.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe echoed Jo with the sound system, adding that everyone did a great job with the button. Council took two actions that speak a different tone for the City of Homer – We are open for business. One is the resolution for the maritime academy and the second is entering into the film guild. Those things, if come to fruition, will be very beneficial for the community.

Councilmembers Lewis, Hogan, and Howard had no comments.

Councilmember Roberts thanked everyone on the Council for supporting postponing the Comprehensive Plan for a couple more times so we can hear the last final comments from the citizens.

ADJOURNMENT

There being no further business to come before the Council the meeting was adjourned at 8:16 p.m. by Mayor Hornaday. The next Regular Meeting is scheduled for Monday, February 22, 2010 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, February 22, 2010 at 5:00 p.m. A Worksession is scheduled for Thursday, February 11, 2010 at 4:00 p.m. Special Meetings are scheduled for Monday, February 22, 2010 at 4:00 p.m. and Thursday, February 25, 2010 at 4:15 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____